

REMARKS

On page 2 of the restriction requirement, the Examiner pointed out that claim 12 should depend from claim 10, rather than from claim 1. Applicants have determined that claims 11 and 13 should also depend from claim 10, rather than from claim 1. Each of claims 11-13 has been amended so as to depend claim 10. Accordingly, Applicants submit that claims 10-21 should also be considered as “readable” on the invention of Group II.

Applicants respectfully traverse the Examiner’s restriction requirement.

The Examiner has characterized the relationship between the inventions of Groups II (claims 10-21) and I (claims 1-9) as that of “combination and subcombination”. The Examiner has stated in the restriction requirement that the subcombination has separate utility such as that the ion generator in Group I can be used with an air-cleaning device rather than with a brush. However, Applicants note that the combination, as exemplified by claims 10 and 14, recites an ion generator, and does not require the particulars of use in a brush.

Further, even if the Examiner's characterization of Groups II and I as defining a properly restrictable combination and subcombination were to be considered correct, Applicants respectfully request that all of the inventions defined in claims 1-21, nevertheless, be examined in the instant application, pursuant to the guidelines set forth in M.P.E.P. §803. That is, the Examiner is respectfully requested to reconsider the restriction requirement and find that there would not appear to be a "serious burden" on the Patent and Trademark Office in examining claims directed to the non-elected invention since the Examiner will have to search for an ion generator, quite similar to that of claims 1-9 while searching for the hairbrush of claims 10-21.

It would appear that the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap. That is, if the Examiner were to perform a search for the invention of Group II, there would not appear to be a serious burden in continuing the examination of the other invention of Group I. For this reason, and consistent with office policy as set forth in M.P.E.P. 803, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement.

For the foregoing reasons, it is submitted that the restriction requirement in this application is improper and it is respectfully requested that it be reconsidered and withdrawn.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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